

109TH CONGRESS
1ST SESSION

H. R. _____

To extend the period for COBRA coverage for victims of the terrorist attacks
of September 11, 2001.

IN THE HOUSE OF REPRESENTATIVES

Mr. MARKEY introduced the following bill; which was referred to the
Committee on _____

A BILL

To extend the period for COBRA coverage for victims of
the terrorist attacks of September 11, 2001.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Continuing Care for
5 Recovering Families Act”.

6 **SEC. 2. EXTENSION OF COBRA COVERAGE PERIOD FOR**
7 **CERTAIN INDIVIDUALS.**

8 (a) ERISA AMENDMENT.—Section 605 of the Em-
9 ployee Retirement Income Security Act of 1974 (29
10 U.S.C. 1165) is amended by adding at the end the fol-
11 lowing:



1 “(c) TEMPORARY EXTENSION OF COBRA ELECTION
2 AND COVERAGE PERIOD FOR VICTIMS OF TERRORIST AT-
3 TACKS.—

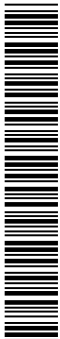
4 “(1) IN GENERAL.—In the case of an eligible
5 individual and notwithstanding subsection (a), such
6 individual may elect continuation coverage under
7 this part during the 120-day period that begins on
8 the later of—

9 “(A) the date of enactment of the Con-
10 tinuing Care for Recovering Families Act; or

11 “(B) the date on which the individual ex-
12periences the terrorism-related loss of coverage.

13 “(2) COMMENCEMENT OF COVERAGE; NO
14 REACH-BACK.—Any continuation coverage elected by
15 an eligible individual under paragraph (1) shall com-
16mence at the beginning of the 120-day election pe-
17riod described in such paragraph and shall not in-
18clude any period prior to such 120-day election pe-
19riod. In no event shall the maximum period required
20under section 602(2)(A) be less than the period dur-
21ing which the individual is an eligible individual.

22 “(3) PREEXISTING CONDITIONS.—With respect
23 to an individual who elects continuation coverage
24 pursuant to paragraph (1), the period—



1 “(A) beginning on the date of the ter-
2 rorism-related loss of coverage, and

3 “(B) ending on the first day of the 120-
4 day election period described in paragraph (1),
5 shall be disregarded for purposes of deter-
6 mining the 63-day periods referred to in section
7 701(c)(2), section 2701(c)(2) of the Public
8 Health Service Act, and section 9801(c)(2) of
9 the Internal Revenue Code of 1986.

10 “(4) DEFINITIONS.—For purposes of this sub-
11 section:

12 “(A) ELIGIBLE INDIVIDUAL.—The term
13 ‘eligible individual’ means an individual who—

14 “(i)(I) is the child of an individual de-
15 scribed in section 405(c)(2) of the Sep-
16 tember 11th Victim Compensation Fund of
17 2001; or

18 “(II) was the spouse of an individual
19 described in section 405(c)(2) of the Sep-
20 tember 11th Victim Compensation Fund of
21 2001, on September 11, 2001;

22 “(ii) has experienced a terrorism-re-
23 lated loss of coverage; and

24 “(iii) is not otherwise entitled to bene-
25 fits, or enrolled, under part A of title



1 XVIII of the Social Security Act or en-
2 rolled under part B of such title.

3 “(B) TERRORISM-RELATED LOSS OF COV-
4 ERAGE.—The term ‘terrorism-related loss of
5 coverage’ means, with respect to an eligible in-
6 dividual, the loss of health benefits coverage as-
7 sociated with the death, injury, or loss of em-
8 ployment of an individual described in section
9 405(c)(2) of the September 11th Victim Com-
10 pensation Fund of 2001.”.

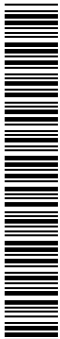
11 (b) PHSA AMENDMENT.—Section 2205 of the Public
12 Health Service Act (42 U.S.C. 300bb–5) is amended by
13 adding at the end the following:

14 “(c) TEMPORARY EXTENSION OF COBRA ELECTION
15 AND COVERAGE PERIOD FOR VICTIMS OF TERRORIST AT-
16 TACKS.—

17 “(1) IN GENERAL.—In the case of an eligible
18 individual and notwithstanding subsection (a), such
19 individual may elect continuation coverage under
20 this title during the 120-day period that begins on
21 the later of—

22 “(A) the date of enactment of the Con-
23 tinuing Care for Recovering Families Act; or

24 “(B) the date on which the individual ex-
25periences the terrorism-related loss of coverage.



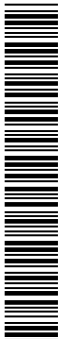
1 “(2) COMMENCEMENT OF COVERAGE; NO
2 REACH-BACK.—Any continuation coverage elected by
3 an eligible individual under paragraph (1) shall com-
4 mence at the beginning of the 120-day election pe-
5 riod described in such paragraph and shall not in-
6 clude any period prior to such 120-day election pe-
7 riod. In no event shall the maximum period required
8 under section 2202(2)(A) be less than the period
9 during which the individual is an eligible individual.

10 “(3) PREEXISTING CONDITIONS.—With respect
11 to an individual who elects continuation coverage
12 pursuant to paragraph (1), the period—

13 “(A) beginning on the date of the ter-
14 rorism-related loss of coverage, and

15 “(B) ending on the first day of the 120-
16 day election period described in paragraph (1),
17 shall be disregarded for purposes of deter-
18 mining the 63-day periods referred to in section
19 2701(c)(2), section 701(c)(2) of the Employee
20 Retirement Income Security Act of 1974, and
21 section 9801(c)(2) of the Internal Revenue
22 Code of 1986.

23 “(4) DEFINITIONS.—For purposes of this sub-
24 section:



1 “(A) ELIGIBLE INDIVIDUAL.—The term
2 ‘eligible individual’ means an individual who—

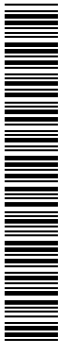
3 “(i)(I) is the child of an individual de-
4 scribed in section 405(c)(2) of the Sep-
5 tember 11th Victim Compensation Fund of
6 2001; or

7 “(II) was the spouse of an individual
8 described in section 405(c)(2) of the Sep-
9 tember 11th Victim Compensation Fund of
10 2001, on September 11, 2001;

11 “(ii) has experienced a terrorism-re-
12 lated loss of coverage; and

13 “(iii) is not otherwise entitled to bene-
14 fits, or enrolled, under part A of title
15 XVIII of the Social Security Act or en-
16 rolled under part B of such title.

17 “(B) TERRORISM-RELATED LOSS OF COV-
18 ERAGE.—The term ‘terrorism-related loss of
19 coverage’ means, with respect to an eligible in-
20 dividual, the loss of health benefits coverage as-
21 sociated with the death, injury, or loss of em-
22 ployment of an individual described in section
23 405(c)(2) of the September 11th Victim Com-
24 pensation Fund of 2001.”.



1 (c) IRC AMENDMENTS.—Paragraph (5) of section
2 4980B(f) of the Internal Revenue Code of 1986 (relating
3 to election) is amended by adding at the end the following:

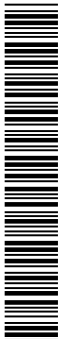
4 “(D) TEMPORARY EXTENSION OF COBRA
5 ELECTION AND COVERAGE PERIOD FOR VICTIMS
6 OF TERRORIST ATTACKS.—

7 “(i) IN GENERAL.—In the case of an
8 eligible individual and notwithstanding
9 paragraph (1), such individual may elect
10 continuation coverage under this title dur-
11 ing the 120-day period that begins on the
12 later of—

13 “(I) the date of enactment of the
14 Continuing Care for Recovering Fami-
15 lies Act; or

16 “(II) the date on which the indi-
17 vidual experiences the terrorism-re-
18 lated loss of coverage.

19 “(ii) COMMENCEMENT OF COVERAGE;
20 NO REACH-BACK.—Any continuation cov-
21 erage elected by an eligible individual
22 under clause (i) shall commence at the be-
23 ginning of the 120-day election period de-
24 scribed in such clause and shall not include
25 any period prior to such 120-day election



1 period. In no event shall the maximum pe-
2 riod required under paragraph (2)(B)(i) be
3 less than the period during which the indi-
4 vidual is an eligible individual.

5 “(iii) PREEXISTING CONDITIONS.—
6 With respect to an individual who elects
7 continuation coverage pursuant to clause
8 (i), the period—

9 “(I) beginning on the date of the
10 terrorism-related loss of coverage, and

11 “(II) ending on the first day of
12 the 120-day election period described
13 in clause (i), shall be disregarded for
14 purposes of determining the 63-day
15 periods referred to in section
16 9801(c)(2), section 701(c)(2) of the
17 Employee Retirement Income Security
18 Act of 1974, and section 2701(c)(2)
19 of the Public Health Service Act.

20 “(iv) DEFINITIONS.—For purposes of
21 this subparagraph:

22 “(I) ELIGIBLE INDIVIDUAL.—
23 The term ‘eligible individual’ means
24 an individual who—



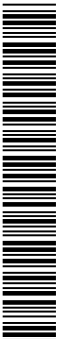
1 “(aa)(AA) is the child of an
2 individual described in section
3 405(c)(2) of the September 11th
4 Victim Compensation Fund of
5 2001; or

6 “(BB) was the spouse of an
7 individual described in section
8 405(c)(2) of the September 11th
9 Victim Compensation Fund of
10 2001, on September 11, 2001;

11 “(bb) has experienced a ter-
12 rorism-related loss of coverage;
13 and

14 “(cc) is not otherwise enti-
15 tled to benefits, or enrolled,
16 under part A of title XVIII of
17 the Social Security Act or en-
18 rolled under part B of such title.

19 “(II) TERRORISM-RELATED LOSS
20 OF COVERAGE.—The term ‘terrorism-
21 related loss of coverage’ means, with
22 respect to an eligible individual, the
23 loss of health benefits coverage associ-
24 ated with the death, injury, or loss of
25 employment of an individual described



1 in section 405(c)(2) of the September
2 11th Victim Compensation Fund of
3 2001.”.

